

Indiana Regulatory Occupations Evaluation Committee Minutes of the June 15, 2011 Committee Meeting

Call to Order & Establishment of Quorum

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, June 15th in the Government Center South Room W064 at 9:00 a.m.

Committee members present:

- Dean John Graham, Committee Chair
- Barry Boudreaux
- Gloria Downham
- Frances Kelly
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley
- Cheryl McCardle

Review and Approval of Minutes

The May 25, 2011 minutes were reviewed and unanimously approved by committee members.

Indiana Department of Health report on possibility of Health Facility Administrator licensing being moved from IPLA to the Department of Health – Terry Whitson, Assistant Commissioner

Mr. Whitson explained that the role of the Indiana State Department of Health (ISDH) is to serve as the licensing and certification agent for health care facilities in Indiana. ISDH is the survey agency for the state of Indiana for certification surveys through Medicare and Medicaid services. Currently there are approximately twenty-eight health care facilities along with three or four long-term care facilities that are licensed and/or certified through the state. Most of these are licensed by ISDH, with the exception of the intermediate care facilities for the intellectually disabled which are licensed through Family & Social Services Administration (FSSA). Most individuals working in these facilities are licensed through the Professional Licensing Agency (PLA) with the exception of radiological technologist and certified nursing assistants who are registered through ISDH.

The breakdown of licensing/certification is as follows:

PLA - Individuals who work in health facilities are licensed through PLA

FSSA - Individual eligibility for care, provision and federal funding

ISDH – Issues health care facilities license.

Mr. Whitson feels that this is a clean break down between the three agencies at this time. ISDH goes into the HFA's to conduct the surveys to see if they are in compliance with health care regulations, where they are looking at only the facilities and what they do. They further have a role in health care quality improvement which is where they go into the facilities and provide educational programs and training programs to improve the quality of care at the facilities.

He feels that bringing the HFAs under the ISDH umbrella and answering the question as to whether or not it is feasible would confuse the current disbursement of roles. Mr. Whitson outlined possible problems as listed below:

- 1) ISDH currently looks only at facility regulations. The standards of practice, as well as regulations for health care facilities and individuals are very different. There would be an issue because each has minimum standards to review and this could cause confusion by the surveyors. He feels that it may become a problem with facility violations being blamed on individuals placing ISDH in an awkward and possibly dangerous situation.
- 2) ISDH would need to set up two different units, one for healthcare licensing and certification and one for individual licensing of the HFAs.
- 3) Funding will become an issue because ISDH cannot use its current staff that is federally funded through Medicare and Medicaid. Mr. Whitson stated that ISDH must follow and adhere to the scope that is within this program area because if those individuals are taken out of that area their salaries would then become solely state funded.
- 4) Education and expertise in the area of licensing in certain areas would be lacking in regards to HFAs. ISDH staff is currently all trained in policies and procedures for health care facilities only.
- 5) ISDH has one executive board that oversees all complaints and there is currently no investigative unit within ISDH. They would be forced to rely solely on national accreditation for licenses.

Committee Member: In the case of surveys, can they track individuals to see if there is some type of performance issue?

Mr. Whitson: ISDH does not track individuals, but the overall performance of the facility only. They do not make any type of cause and effect determination.

Committee Member: There are precedents in other states, where facilities and an individual are licensed by the same entity. Please clarify why you do not feel it would be a good idea to have all this housed in one department.

Mr. Whitson: Some states that do it that way, but even those states do not necessarily have the same individuals doing surveys for the facility and the administrators at the same time. One reason is because surveyors are federally trained and

funded. Another reason is due to standards of practice; there are two separate sets that would need to be reviewed during the survey. He said he feels this would be very difficult for surveyors and they would end up not being as effective as they could be.

Committee Member: Currently PLA licenses both the Pharmacy and Pharmacists, as well as Accounting Firms and Accountants, Funeral Homes and Funeral Directors, Auction Houses and Auctioneers, Salons and Barbers/Cosmetologists as well as some others. Currently none of PLA inspectors hold a license in any of these areas. However they do depend upon the expertise of board members who hold valid licenses in those areas.

Committee Member: Does PLA have any license that is involved in both state and federal money?
Frances Kelly: Currently we do not receive any federal money.

Mr. Whitson: Federal mandates do require that individuals have to be licensed through their state but unfortunately the federal government will not fund that. The federal government has determined that licensing is a state requirement. However, it requires that any facility that receives Medicare & Medicaid funding be licensed through the state. All ISDH surveyors are federally trained and certified through the federal government. With ISDH's current staff it is not able to do all the surveys that the federal government wants it to do. If it takes current surveyors and split their time between health care facilities and HFAs, they would be state funded only and the federally mandated surveys would not be getting done.

Committee Member: If you were given resources to hire additional staff would that help?
Mr. Whitson: It would help, but would need many more individuals because he does not want to co-mingle staff.

Committee Member: Why does Mr. Whitson feel they need to be separated?
Mr. Whitson: I feel strongly that they need to be separated because there are completely different standards of practices for each group.

Committee Member: Who receives the reports done by his surveyors if they find a problem with an administrator?
Mr. Whitson: The entire report is forwarded to the Office of the Attorney General (OAG) and PLA.

The committee stated that it would like to see a copy of the law that requires administrators to be licensed to determine whether or not it is a state or federal mandate.

Proposed recommendations and framework for report to Indiana Health Finance Commission regarding the licensing and regulation of the Cosmetology and Barber Examiners & Indiana State Board of Health Facilities Administrators

The committee spent the next hour reviewing and tweaking the report until they felt all issues were covered. It was then decided there will be one final proof which all members will review and after final approval it would then be submitted to the Indiana Health Finance Commission prior to July 1, 2011.

Revision of Review Schedule

The committee reviewed the schedule for the remainder of the year and approved as follows:

AUGUST 24, 2011 – 9:00 am – 3:30 pm

- State Board of Registration for Professional Engineers – “Part A” presentation
- Committee of Hearing Aid Dealer Examiners – “Part A” presentation
- Private Investigators & Security Guard Licensing Board – “Part B” presentation
- Committee deliberation

SEPTEMBER 21, 2011 – 9:00 am – 3:30 pm

- State Board of Registration for Professional Engineers – “Part B” presentation – *if needed*
- Committee of Hearing Aid Dealer Examiners – “Part B” presentation – *if needed*
- Findings and Recommendations for Private Investigators & Security Guard Licensing Board
- Committee deliberation

****Barry Boudreaux informed the committee that he will not be available for this meeting.***

OCTOBER 12, 2011 – 9:00 am – 3:30 pm

- Indiana Optometry Board – “Part A” presentation
- Indiana Dietitian Certification Board – “Part A” presentation
- Findings and Recommendations of the State Board of Registration for Professional Engineers and the Committee of Hearing Aid Dealer Examiners
- Committee deliberation

NOVEMBER 16, 2011 – 9:00 am – 3:30 pm

- Indiana Optometry Board – “Part B” presentation – *if needed*
- Indiana Dietitian Certification Board – “Part B” presentation – *if needed*
- Findings and Recommendations of Indiana Optometry Board and Indiana Dietitian Certification Board
- Committee deliberation

Dean Graham suggested adding a December morning meeting to the agenda so that the committee can do additional review and all members were in agreement. Lisa Bentley will send out a December date to the committee once she has established availability with all parties.

Adjournment

Chairperson Graham adjourned the meeting at approximately 11:25 a.m.

Dean John Graham, Chair
Indiana Regulatory Occupations Evaluation Committee

Date

Next Scheduled Meeting:

August 24, 2011

9:00 a.m.

Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency